

# Town Board Minutes

March 3, 2008

Meeting No. 8

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 3<sup>rd</sup> day of March 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **1<sup>st</sup> EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 8:20 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **2<sup>nd</sup> EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the Town Board entered into a second Executive Session to deliberate on the announced purpose of discussing a particular personnel matter in the Youth Bureau.

At 9:21 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matter:

- pending labor arbitration matter

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- proposed developments at Transit Road & William Street

**Jaskier, Jayson**, 10 Hidden Trail, spoke to the Town Board on the following matter:

- sales tax charge of New York State levied upon school class function

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matter:

- Erie County Sewer District 4
- Town's requirement for plumbers

**Korcz, Richard**, 4946 William Street, spoke to the Town Board on the following matter:

- thanked Board for resolution of problem at 470 Aurora Street

**Donner, Chuck**, 21 Ashwood Court, spoke to the Town Board on the following matter:

- the soccer program is in need of playing fields

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held February 25, 2008 and the Regular Meeting of the Town Board held February 25, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	ABSTAINED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster by letter dated February 22, 2008, has requested the creation of (1) additional position of full-time Clerk Typist in the Town of Lancaster Police Department due to the impending retirement of Senior Clerk Typist Karen Freund on May 9, 2008, and

**WHEREAS**, upon approval of a full-time Clerk Typist the existing position of Senior Clerk Typist will not be filled.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1) position of Clerk Typist in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**WHEREAS, WM. SCHUTT & ASSOCIATES**, 37 Central Avenue, Lancaster, New York, Engineer for the Design of Adaptive Reuse of Existing Ambulance Building, has submitted by letter dated February 26, 2008 Amendment No. 1 in the amount of \$7,000 to the Town Board for their approval, and

**WHEREAS**, this amendment presents additional services for this project to develop a schematic plan for currently occupied space within the Town Hall facility, and

**WHEREAS**, the Town Board has fully reviewed and considered the need for the additional services.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves Amendment No. 1 to **WM. SCHUTT & ASSOCIATES** for Design of Adaptive Reuse of Existing Ambulance Building for a sum not to exceed \$7,000.

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and is hereby authorized to execute this Amendment No. 1 on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, smoking is the number one cause of preventable death in the United States, and

**WHEREAS**, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates, and

**WHEREAS**, in 2003 tobacco companies spent \$15.1 billion to market cigarettes in the United States, including \$516 million in New York, and

**WHEREAS**, children are more likely than adults to notice and remember tobacco advertising, and

**WHEREAS**, children who report seeing cigarette advertising in stores are 33% more likely to have experimented with smoking, and

**WHEREAS**, three out of four teenagers are reported to shop at convenience stores at least once a week, and are therefore exposed at high rates and with great frequency to tobacco marketing, and

**WHEREAS**, an estimated 1/3 of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities, and

**WHEREAS**, retail stores are an integral part of our community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby supports the efforts of the Western New York Tobacco Free Programs and Erie County Reality Check to protect the children of the Town of Lancaster by reducing tobacco advertising.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, on March 20, 1833 by Chapter 67 of the Laws of the State of New York the Town of Clarence was divided and birth was given to the Town of Lancaster, and

**WHEREAS**, Lancaster extended to the middle of Buffalo Creek Indian Reservation with the Town of Amherst its western neighbor, and

**WHEREAS**, the Town Board of the Town of Lancaster is now desirous of appointing a Chairman to lead in the celebration of the Town of Lancaster’s 175<sup>th</sup> anniversary of incorporation.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Kim Chiarmonte be appointed Chairman of the committee which will plan events, displays, dinners, parades, etc.

**BE IT FURTHER**

**RESOLVED**, that this position is a volunteer position, with no salary or benefits.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED IT’S ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS,** §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

**WHEREAS,** the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”,

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17<sup>th</sup> day of March 2008, at 8:30 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before March 6, 2008, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008



**LEGAL NOTICE**  
**PUBLIC HEARING**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**  
**DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3<sup>rd</sup> day of March, 2008, the said Town Board will hold a Public Hearing on the 17th day of March, 2008, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION  
STOPS; YIELD INTERSECTIONS**  
**46-8.1 Stop Intersections designated, is hereby amended by adding  
thereto the following:**

**COUNTRYSIDE SUBDIVISION**

<b><u>STREET NAME</u></b>	<b><u>INTERSECTING STREET</u></b>	<b><u>SIGN LOCATION</u></b>
<b>Country Place</b>	<b>Sara Lane</b>	<b>N.E. Corner</b>
<b>Country Place</b>	<b>Sara Lane</b>	<b>S.W. Corner</b>

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**  
  
**By: JOHANNA M. COLEMAN**  
**Town Clerk**

March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 20 (B) (1) (j) of the Code of the Town of Lancaster upon the application of **JBC Properties, LLC** for a Special Use Permit for the service and sale of new and used motorized vehicles on premises located at 5077 Transit Road in the Town of Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to §50-20 (B) (1) (j) of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **JBC Properties, LLC** for the service and sale of new and used motorized vehicles on premises locally known as 5077 Transit Road in the Town of Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	ABSTAINED*
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

Council Member Amatura abstained because he was not present for the Public Hearing.

March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town of Lancaster approved a Map, Plan and Report for the Increase and Improvement of Facilities of the Consolidated Water District on December 18, 2006, and

**WHEREAS**, a Bond Resolution was adopted for a maximum amount not to exceed \$7,000,000.00, and

**WHEREAS**, the Town Board has previously duly advertised for bids for the Consolidated Water District Water System Improvement Contract No. TLN-2 in the Town of Lancaster, and

**WHEREAS**, bids were received, opened and reviewed on February 28, 2008, and

**WHEREAS**, Wm. Schutt & Associates, P.C., the Town’s consulting engineer by letter dated February 29, 2008 has recommended award of the bid to Pilon Construction Company, Inc., being the lowest responsible bidder in the amount of \$966,765;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby awards the bid for the Consolidated Water District Water System Improvement Contract No. TLN-2 in the Town of Lancaster to Pilon Construction Company, Inc., 13205 Route 31 West, Albion, New York in the amount of \$966,765 being the lowest responsible bidder in conformance with the specifications on file in the office of Wm. Schutt & Associates, P.C.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Lancaster Country Club, 6061 Broadway, Lancaster, New York 14086, has submitted a revised site plan prepared by Roberts, Shackleton & Boy Architects and Engineers PC, dated February 28, 2008 and received February 28, 2008 for the proposed development of a 2,289 sq. ft. cabana/building, 3,525 sq. ft pool and a 400 sq. ft filter house at the Lancaster Country Club located at 6061 Broadway in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan at its meeting held on February 6, 2008 and recommended approval, and

**WHEREAS**, a SEQR Review of this project was held February 25, 2008 and a negative declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the revised site plan submitted by the Lancaster Country Club and prepared by Roberts, Shackleton & Boy Architects and Engineers PC, dated February 28, 2008 and received February 28, 2008 for the proposed development of a 2,289 sq. ft. cabana/building, 3,525 sq. ft. pool and a 400 sq. ft filter house at the Lancaster Country Club located at 6061 Broadway in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	RECUSED*
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

Council Member recused himself from this action because he is a member of the Lancaster Country Club and is also a stockholder in the Lancaster Country Club.  
March 3, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 1069 to Claim No. 1182 Inclusive  
Total amount hereby authorized to be paid: \$78,668.93

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver.  
(V/L) = Village of Lancaster

**NEW PERMITS:**

15347	Best Built Homes	25 Donna Lea Dr	Er. Res. Alt.
15348	Marrano/Marc Equity	69 Avian Way	Er. Dwlg.-Sin.
15349	Essex Homes	22 Americo Ct	Er. Dwlg.-Sin.
15350	Migliaccio Const Inc	6 Park Walk	Er. Res. Add.
15351	Migliaccio Const Inc	6 Park Walk	Er. Deck
15352	Kelkenberg Homes	12 Pinetree Dr	Er. Res. Add.

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has requested that Wm. Schutt & Associates, PC provide the Town of Lancaster with a proposal to perform professional services regarding the replacement of the concrete box culverts on Siebert Road and on Steinfeldt Road, including the design construction, administration and resident inspection services for such work, and

**WHEREAS**, Wm. Schutt & Associates, PC has provided a proposal which has been duly reviewed and considered by the Town Board, and

**WHEREAS**, the Town Board deems it in the public interest to move forward with the engagement of Wm. Schutt & Associates, PC to provide professional services as beforementioned;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with Wm. Schutt & Associates, PC, 37 Central Avenue, Lancaster, New York, at a total cost not to exceed the following:

- |    |  |   |
|----|--|---|
| 1) | Topographic Survey -                   | \$9,100.00 (lump sum)   |
| 2) | Detailed Design -                      | \$26,000.00 (lump sum)  |
| 3) | General Services During Construction - | \$22,000.00 (lump sum)  |
| 4) | Resident Inspection -                  | \$65.00 per hour plus out of pocket expenses, estimated to require 200 hours of inspection. |

to perform professional services regarding the work described above, subject to review and approval by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Superintendent Richard Reese in the Town of Lancaster Highway Department has requested that the Town Board authorize an invitation to bid for the demolition and replacement of box culverts on Siebert Road and Steinfeldt Road and associated roadway reconstruction, and

**WHEREAS**, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby directs that the attached notice to bidders be published in the Lancaster Bee, the Official Newspaper being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board to invite public bid for the demolition and replacement of box culverts on Siebert Road and Steinfeldt Road and associated roadway construction, said bids to be in conformance with the specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on the 26<sup>th</sup> day of March, 2008 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008



**NOTICE TO BIDDERS**  
**FOR THE**

**TOWN LANCASTER**

**BOX CULVERT REPLACEMENT PROJECT  
SIEBERT ROAD AND STEINFELDT ROAD**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, no later than 10:00 A.M., Local Time, on the 26<sup>th</sup> day of March , 2008, and opened thereafter, for the demolition and replacement of box culverts on Siebert Road and Steinfeldt Road and associated roadway reconstruction, said bids to be in conformance with the specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 for each set in the form of two (2) \$25.00 checks made payable to the ENGINEER. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available.

Unsuccessful bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non-bidders will be refunded one-half of the document deposit upon return of full sets of contract documents within thirty (30) days of award of the contract.

Each bid proposal shall be submitted in a sealed envelope, clearly marked: "BID ENCLOSED - BOX CULVERT REPLACEMENT PROJECT SIEBERT ROAD AND STEINFELDT ROAD" and must be accompanied by a bid bond or a certified check made payable to the Town of Lancaster, in the amount of five per cent (5%) of the total amount of the bid.

The Town reserves the right to reject any and all bids, to consider the reputation and experience of any bidders in making its selection, to waive any informalities or minor deviations from the specifications, and to award the contract to other than the lowest bidder if considered to be in the best interest of the Town of Lancaster.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Johanna Coleman  
Town Clerk  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Consulting Engineers:  
William Schutt & Associates, P.C.  
37 Central Avenue  
Lancaster, NY 14086-2143  
(716) 683-5961  
Date: March 3, 2008

By the Order of the Town Board of  
Lancaster, Erie County, New York

Johanna Coleman  
Town Clerk

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster, by letter dated February 28, 2008, has requested the appointment of Lieutenant Gerald Gill to the position of Detective Lieutenant, and

**WHEREAS**, this position and funding for same are in the Police Department’s current budget.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **Gerald Gill** be and is hereby appointed to the position of Detective Lieutenant in the Town of Lancaster Police Department, effective March 10, 2008, with full benefits and salary in accordance with the departmental procedures as set forth in the current Police Benevolent Association contract.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster, by letter dated February 28, 2008, has requested the appointments of Police Officer Mark Fowler and Police Officer William Loewer to the position of Detective, temporary, and

**WHEREAS**, these positions and the funding for same are in the Police Department’s current budget.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **Mark Fowler and William Loewer** be and are hereby appointed to the position of Detective, temporary, in the Town of Lancaster Police Department, effective March 10, 2008, with full benefits and salary in accordance with the departmental procedures as set forth in the current Police Benevolent Association contract.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 3, 2008

**COMMUNICATIONS & REPORTS:**

- 111. Highway Superintendent to Town Board -  
Request for budget transfer for reimbursement of mail boxes. DISPOSITION = Director of Administration & Finance
- 112. Town of Newstead to Town Clerk -  
Transmittal of resolution urging NYS to retain School Resource Officers assigned by the State Police. DISPOSITION = Received & Filed
- 113. Marrano/Marc Equity to Building Inspector -  
Notification of honoring request to designate a street as “Magrum Lane” in the Creekside at Pleasant Meadows Subdivision. DISPOSITION = Received & Filed
- 114. Hon. Hillary Rodham Clinton, United States Senator to Supervisor -  
Letter of congratulations for Town being named as a Tree City USA.  
DISPOSITION = Received & Filed
- 115. Wm. Schutt & Associates, P.C. to Town Board -  
Letter outlining a review of engineering services accomplished in 2007 and a list of goals for 2008. DISPOSITION = Received & Filed
- 116. Executive Director, Youth Bureau to Supervisor -  
Request resolution to sponsor Tobacco Point of Purchase effort to protect children by reducing tobacco advertising. DISPOSITION = Resolution 3/3/2008

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPIAK, SECONDED BY  
COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at 9:21 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk